

LABOUR DEPARTMENT

The 9th September, 1985

No. 9/5/84-6Lab/7563.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Auto Ancillaries Plot, No. 15, Sector-6 Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 632 of 1983

between

SHRI RAM AGYA YADAV WORKMAN AND THE MANAGEMENT OF M/S.
AUTO ANCILLARIES, PLOT NO. 15, SECTOR-6, FARIDABAD.

Present :—

Shri Pardip Sharma for the workman.

Shri R. C. Sharma for the management

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ram Agya Yadav, workman and the management of M/s. Auto Ancillaries, Plot No. 15, Sector-6, Faridabad, to this Tribunal for adjudication :—

Whether the termination of service of Shri Ram Agya Yadav was justified and in order ? If not to what relief is he entitled ?

2. It may be mentioned that notices were issued to both the parties. In the demand notice dated 20th July, 1983, it was alleged by the claimant that he was employed as helper by the respondent on 3rd May, 1981 and worked there till June, 1983. It was further alleged that on 21st June, 1983 he was not allowed to enter the factory premises and was told that his services had been terminated with effect from 21st June, 1983 when the claimant made a complaint to the Labour Inspector on 22nd June, 1983. It was alleged that the dispute could not be settled and the claimant gave the demand notice dated 7th July, 1983 when the Management was called by the Conciliation Officer, Ballabgarh Circle, Sector-7, Faridabad, but the Management failed to appear before the said Officer on two dates. It was further alleged that on 18th July, 1983, the claimant was told by his representative Shri Lal Babu that the case was fixed for 26th July, 1983. It was then alleged that on 26th July, 1983, he appeared before the Conciliation Officer, but was told that the case was in fact fixed for 21st July, 1983 on which date, the Management had settled the dispute and agreed to take the claimant back in service with full back-wages and that Shri Lal Babu also informed the claimant accordingly. It was then alleged that the claimant went to the factory on 26th July, 1983 and made a prayer to join duty, but he was told that his name had been removed from the muster roll. It was, therefore, prayed that the claimant be reinstated with full back wages.

3. The Management in their written statement dated 15th October, 1984 pleaded that claimant joined service on 21st September, 1981 and that there was a stipulation to the effect that in case he remained absent for 8 days or more his services would stand terminated. It was denied that the services of the claimant were terminated by Management on 21st June, 1983. It was further pleaded that the conciliation proceedings were held and a settlement was arrived at 20th July, 1983 according to which the claimant had to report for duty on 21st July, 1983, but he failed to do so as he had no intention to join service and most probably he wanted money for the back period of unemployment. It was also pleaded that the claimant never came to the factory till the end of August, 1983 and he was asked to work but he refused to do so, and stated that he would join duty only if a full back wages were paid to him to which the management did not agree. It was further pleaded that the claimant was gainfully employed and that the factory had been closed since a long time back and as such the claimant was not entitled to reinstatement on this ground also.

4. On the pleadings of the parties, the following issues were framed on 9th November, 1984:—

- (1) Whether the settlement was arrived at between the parties on 20th July, 1983 as pleaded? If so, with what effect? OPM
- (2) Whether the workman is not entitled to reinstatement as pleaded? OPM
- (3) Whether the termination of services of Shri Ram Agya Yadav was justified and in order? If not, to what relief is he entitled? OPM

5. It may be mentioned that the Management has examined one witness and documents Ex. M-1 to M-7 have been tendered into evidence. The claimant has appeared in the witness box and documents Ex. W-1 to W-3 have been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under:—

Issue No. 1.

6. MW-1 Shri Kirpal Singh Khurana, Accounts Clerk (Time Keeper) in the respondent factory stated that the claimant absented himself since 21st June, 1983 when the Management wrote the letter Ex. M-1 to him and that Ex. M-2 was the Postal Certificate. He further stated that a settlement took place in July, 1983, but claimant did not join duty. Ex. M-7 is the copy of the said settlement dated 20th July, 1983 in which it is recited that the claimant would be taken back on duty with effect from 21st July, 1983 with continuity of service, but was not entitled to back wages. At the time of this settlement, Shri R. C. Sharma representative of the management and Shri Lal Babu representative of the workman were present. The claimant himself was not present at that time. The testimony of MW-1 Shri Kirpal Singh and the recitals made in the settlement Ex. M-7, therefore, go to show that on 20th July, 1983, a settlement took place between the parties according to which the claimant would be taken back on duty with effect from 21st July, 1983 with continuity of service but no back wages were to be paid to him. The issue is decided accordingly in favour of the management.

Issue No. 2.

7. MW-1 Shri Kirpal Singh stated that the factory was closed with effect from 30th June, 1984 and that accounts of all the workers were settled including MW-1. He further stated that Ex. M-5 was the copy of the letter sent to the Government in that respect. In this letter it is recited that the factory was going to be closed with effect from 30th June, 1984. WW-1 Shri Ram Agya Yadav, stated that factory was running even now. His oral testimony does not carry any weight because the management has led oral as well as documentary evidence to show that the factory was closed with effect from 30th June, 1984. Consequently, when the factory is lying closed since 30th June, 1984, the claimant is not entitled to reinstatement. The issue is decided accordingly in favour of the management.

Issue No. 3.

8. MW-3 Shri Kirpal Singh stated that after the settlement Ex. M-7, the claimant did not join duty when the letter Ex. M-3 was written to the Conciliation Officer informing him that the claimant had not join duty on 21st July, 1983 and that the claimant can join duty by 23rd July, 1983 at the latest. Ex. M-4 is the postal certificate. He further stated that in August, 1983, the claimant came to the factory when the Security Guard asked him to wait as he wanted to obtain instruction from the management. He further stated that the Security guard came to him when he consulted the Partner of the concern who told MW-1 that the claimant could join duty. He also stated he came outside the factory within 5/7 minutes but the claimant was not present at the gate of the factory and that his name was struck off with effect from 30th September, 1983.

9. Shri Ram Agya Yadav (WW-1) stated that his case was fixed in the Conciliation Office for 26th July, 1983 and when he reached that office he was told that the dispute had been settled on 21st July, 1983 according to which he could join duty. He further stated that he went to the factory on 26th July, 1983 when he was told by Shri Sant Ram Bhatia, Production Incharge that he cannot be allowed to join duty when he gave demand notice. He further stated that the management did not appear in the Conciliation Proceedings and he was told to join duty but he was not allowed to join duty, when he went to the factory. In cross-examination, he stated that it was settled that he would be re-instated without backwages but this settlement was not acceptable to him and that he demanded back wages but the management had refused to pay the same. Ex. W-1 is the letter dated 1st August, 1983 sent by the management to the claimant asking him to join duty in respect to his demand notice dated 20th July, 1983. Ex. W-2 is the envelope in which the letter Ex. W-1 was sent. Ex. M-6 is the copy of the written comments given by the Management in the Conciliation Proceedings, in which it was mentioned that the claimant can join duty as per settlement dated 20th July, 1983 but he had refused to do so without payment of backwages. Ex. W-3 is the copy of the report sent by the Conciliation Officer, in which it is recited that the case before the Conciliation Officer was fixed for 8th August, 1983 on which date both the parties were present, but later on, the Management did not appear in those proceedings on 17th August, 1983, 22nd August, 1983 and 29th August, 1983 and the report was then sent on 27th September, 1983.

10. The above evidence shows that according to settlement Ex. M-7, the claimant was not entitled to backwage, but he demanded the backwages from the Management, due to which the demand notice dated 29th July, 1983 was given by the claimant. In conciliation proceedings, the Management took the plea that the claimant can join duty, but without back wages. The Management however appeared on one date in those proceedings on 8th August, 1983, but later on, did not appear on 17th August, 1983, 22nd August, 1983 and 29th August, 1983. In the written statement filed on 15th October, 1984, it was nowhere pleaded by the Management, that the name of the claimant was struck off with effect from 30th September, 1983. In the witness-box, MW-1 Shri Kirpal Singh, however, stated that the name of the claimant was struck off with effect from 30th September, 1983. As already mentioned above the claimant was not entitled to back wages upto 20th July, 1983 as per settlement Ex. M-7 but at the same time, the Management did not participate in the conciliation proceeding after 8th August, 1983, which led to the sending of the report by the Conciliation Officer to the Deputy Labour Commissioner (Ex. W-3). It is now mentioned by MW-1 Shri Kirpal Singh, that the name of the claimant was struck off with effect from 30th September, 1983 which plea was not taken against in the statement as already mentioned above. In any case, the claimant was in service with effect from 18th May, 1981 and MW-1 admitted in cross-examination that the claimant was on duty on 18th May, 1981. The plea of the claimant was that he was not in service since 3rd May, 1981. The claimant had thus rendered more than one years service when his services were terminated in the year 1983 and no notice pay and compensation were paid to the claimant under the provisions of section 25-F of the Industrial Disputes Act, 1947, which fact was admitted by MW-1 Shri Kirpal Singh in his cross-examination. Consequently, the provisions of Section 25-F of the Industrial Disputes Act, have not been complied with by the Management and as such the termination of service was not legal. In the ruling reported as *M/s Kanti Weekly v. D.D. Gupta and others*, 1984. Lab. I. C. NOC 168 (Delhi), it is laid down that tender or offer of compensation under section 25-F of the Industrial Disputes Act, 1947 must be made at the time of retrenchment and that even if the compensation was paid a day after retrenchment, the retrenchment was illegal. In section of 2(00) of the Industrial Disputes Act, 1947, it is laid down that the expression "retrenchment" means termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include voluntary retirement of the workman etc. The claimant is, therefore, entitled to notice pay and compensation as well as full backwages from 21st July, 1983 to 30th June, 1984, but he is not entitled to reinstatement because the factory had been closed with effect from 30th June, 1984. The award is passed accordingly,

Dated the 2nd September, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Indst. No. 692, dated the 2nd September, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/5/84-Lab./7564.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/S Cast Master Plot No. 46, Industrial Estate, Sector-6, Faridabad :—

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 479/1982

between

SHRI ASHOK KUMAR OJHA, WORKMAN AND THE MANAGEMENT OF M/S
CAST MASTER PLOT NO. 46, INDUSTRIAL ESTATE, SECTOR 6,
FARIDABAD

Present :

Shri Manohar Lal for the workman.

Shri K. P. Aggarwal, along with Shri M. P. Gupta, for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Ashok Kumar Ojha, workman and the management of M/s Cast Master Plot No. 46, Industrial Estate, Sector 6, Faridabad, to this Tribunal, for adjudication:—

Whether the termination of service of Shri Ashok Kumar Ojha, was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. The claimant in his claim statement filed on 17th March, 1983 alleged that he was employed in the respondent company as Miller on 1st February, 1979 and was drawing Rs. 545 per month at the time of termination of his services. It was then alleged that the claimant was awarded punishment of 7 days suspension from 12th December, 1980 to 18th December, 1980 on the basis of false enquiry and that after joining his duty on 19th December, 1984, he requested the Management to give him full wages for the period he remained under suspension, but the Management pushed him out of the factory. It was further alleged that the Management wrote many letters to the claimant, but whenever he went there he was not allowed to enter the factory premises and that finally the Management struck off his name the muster roll with effect from 1st March, 1981 and informed him, *via* letter dated 5th March, 1981, but no compensation was given to him. It was further alleged that if the above plea was accepted, the termination was illegal because the principles of natural justice were not followed. It was therefore, prayed that claimant be reinstated with full back wages.

3. The Management in their written statement dated 19/5/1984 pleaded that even though there was gross negligence on the part of the claimant, yet after holding the enquiry he was awarded 7 days suspension as Punishment and that the claimant was supposed to join duty on 19th December, 1980 in second shift at 4.00 p.m. but the claimant stated he would not work until full payment was made to him for the entire period during the enquiry and then left the factory immediately without any permission. It was denied that the management pushed him out of the factory. It was further pleaded that on 29th December, 1980 a registered letter was sent to the claimant asking him to join duty, but he did not come when another letter was sent to him on 15th February, 1981, but the claimant did not come and as such his name was finally struck off from the muster roll of the Company with effect from 1st March, 1981 for his long and continuous absence and a communication to that effect was sent on 5th March, 1981 along with check dated 5th March, 1981 for Rs. 1110 as notice pay and retrenchment compensation. It was further pleaded that the claimant was gainfully employed after severance from the Company.

4. The claimant in rejoinder dated 11th June, 1984 reiterated the pleas taken in the claim Statement.

5. On the pleadings of the parties, the following issues were framed on 19th June, 1984:—

- (1) Whether the name of Shri Ashok Kumar Ohja was removed from the Muster rolls of the Company for his willful and continuous absence as pleaded? OPM
- (2) Whether the workman has been gainfully employed after his severance from the Company as Pleaded? OMP
- (3) Whether the termination of service of Shri Ashok Kumar Ohja was justified and in order? If not, to what relief is he entitled? OMP

6. It may be mentioned that the Management has examined two witnesses and documents, Ex. M-1 to M-25 have been tendered into evidence. The claimant has examined two witnesses and documents, Ex. W-1 and W-2 have been tendered into evidence.

7. A preliminary objection has been raised by the representative of the Management that their reference made by the Government was had in law and as such no relief could be granted to the claimant on the basis of the present reference. Reliance for this submission was placed on the ruling reported as Sitarm Vishnu Shirodkar and Administrator, Government of Goa and others, 1984-2-LLN page 297. The representative of the workman, on the other hand argued that on such plea was taken by the Management in the written statement and as such the same could not be taken into consideration.

8. The argument, of the representatives of both the parties have been heard. The representative of the Management stated that the plea raised by him was legal one and as such it can be raised by him at any stage of the proceedings. It is well settled that the plea which is purely a legal one can be raised at any stage of the proceedings. In the ruling reported as Sita Ram Vishnu Shirodkar V/s Administrator, Government of Goa, and others (Supra), the facts were that the employee contended

that he was removed from service, while the contention of the employer was that the employee and voluntarily abandoned the job and thus the real dispute was whether the services were terminated or whether the employee voluntarily abandoned the job. However reference was made by the Government in that case to the effect whether the termination was legal and justified and if the answer was in the negative to that relief the workman was entitled. It was held that the Tribunal could not travel beyond the reference and decide the question whether the workman had abandoned his service and that the petitioner employer had terminated the services of the workman was an act fastened on the employer by this reference and the only question left open for decision was whether the termination was legal and proper. It was further held that as the real dispute was not made the subject matter of the reference, the reference itself was hard and was liable to be quashed. This ruling fully applies to the facts of the present case because the Government has made the reference as to whether the termination of service of Shri Ashok Kumar Ohja was justified and in order and if not, to what relief is he entitled. While the case of the management even in the Conciliation proceedings Ex. M-19 was that the claimant had abandoned the job of his wilful and continuous absence from duty. Issue No. 1 has been framed on the basis of the plea taken by the management while issue No. 3 is based on the reference made by the Government. Issue No. 1 regarding the alleged abandonment of the services by the claimant by his wilful and continuous absence from duty is not the subject matter of the reference by the Government because the reference has only been made regarding issue No. 3 only. In view of the above ruling of the Division Bench of the Hon'ble High Court, which also relied upon the observations of the Full Bench of the Hon'ble Delhi High Court in India Tourism Development Corporation, New Delhi V. Delhi Administration, Delhi 1982-II-LLN-762, the Industrial Tribunal cannot travel beyond the reference and decide the question whether the claimant had abandoned his service due to his wilful and continuous absence from duty as raised issue No. 1. above. Following the above ruling of the Hon'ble Bombay High Court, the preliminary objection raised by the representative of the Management prevails and it is held that the reference made by the Government is bad in law because the plea taken by the Management relating to issue No. 1. was not made the subject matter of the reference by the Government and as such, the claimant is not entitled to any relief in the present reference, but it is open to the Government to consider whether the fresh reference should be made or not because the reference is being disposed of on the technical ground. The award is passed accordingly.

Dated, the 2nd September, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 693, dated 2nd September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 20th September, 1985

No. 9/5/84-6Lab./7572—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak :—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 76 of 83

between

SHRI BALJIT SINGH, WORKMAN AND THE MANAGEMEN OF M/S HAYANA
DAIRY DEVELOPMENT CO-OPERTIVE FEDERATION LTD., GOHANA ROAD,
MILK PLANT, ROHTAK

Present :—

Shri S. N. Vats, A. R. for the workman.

Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the workman Shri Baljit Singh and the management of M/S. Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak, to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. ID/30648-53, dated 29th June, 1983 :—

whether the termination of services of Shri Baljit Singh was in justified and order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent since 1st September, 1977 but the respondent choose to terminate his services unlawfully on 6th July, 1981, in flagrant disregard of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, the respondent placed on record a copy of the order of the Hon'ble High Court of Punjab and Haryana dated 4th April, 1984,—*vide* which proceedings in this case in this Court were stayed. The writ petition, in which, proceedings were stayed by the Hon'ble High Court was decided on 18th September, 1984. In view of this decision in civil writ petition No. 1556 of 1984 titled Haryana Dairy Development Co-operative Federation Ltd., Chandigarh vs. State of Haryana and others, the learned authorised representative of the workman stated that this reference is bad in law and as such he does not want to prosecute the same and so the same be dismissed. It is ordered accordingly. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 1st August, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endst No. 76-83/1408, dated the 2nd September, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab./7574.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Dairy Development Co-operative Federation Ltd. Gohana Road, Milk Plant Rohtak,

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 83 of 1983

between

SHRI BALBIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
DAIRY DEVELOPMENT CO-OPERATIVE FEDERATION LTD.
GOHANA ROAD, MILK PLANT, ROHTAK.

Present.—

Shri S. N. Vats, A. R. for the workman.

Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Balbir Singh and the management of M/s Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak, to this court, for adjudication.—*vide* Labour Department Gazette Notification No. ID 30697-702, dated 29th June, 1983 :—

Whether the termination of services of Shri Balbir Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent since 9th August, 1977 but the respondent choose to terminate his services unlawfully on 13th July, 1981 in flagrant disregard of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, the respondent placed on record a copy of the order of the Hon'ble High Court of Punjab and Haryana dated 4th April, 1984,—vide which, proceedings in this case in this Court were stayed. The Writ Petition, in which, proceedings were stayed by the Hon'ble High Court was decided on 18th September, 1984. In view of this decision in civil Writ Petition No. 1556 of 1984 titled Haryana Dairy Development Co-operative Federation Ltd., Chandigarh vs. State of Haryana and others. The learned Authorised Representative of the workman stated that this reference is bad in law and as such he does not want to prosecute the same and so the same be dismissed. It is ordered accordingly. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Dated the 1st August, 1985.

Presiding Officer,
Labour Court, Rohtak.

Endst. No. 83-83/1410, dated 2nd September, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak

No. 9/5/84-6Lab./7576.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s. Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak.

BEFORE SHRI B P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 85 of 1983

between

SHRI SHANKAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
DAIRY DEVELOPMENT CO-OPERATIVE FEDERATION LTD., GOHANA
ROAD, MILK PLANT, ROHTAK

Shri S. N. Vats, A. R. for the workman.

Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Shankar Singh and the management of M/s Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/30711-16 dated 29th June, 1983 :—

Whether the termination of services of Shri Shankar Singh, was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent since 27th July, 1977 but the respondent choose to terminate his services unlawfully on 13th July, 1981 in flagrant disregard of the Industrial Dispute Act, 1947.

3. Before any reply could be filed by the respondent, the respondent placed on record a copy of the order of the Hon'ble High Court of Punjab and Haryana dated 4th April, 1984,—vide which, proceedings in this case in this Court were stayed. The Writ petition, in which, proceedings were stayed by the Hon'ble High Court was decided on 18th September, 1984. In view of this decision in Civil Writ Petition No. 1556 of 1984 titled Haryana Dairy Development Co-operative Federation Ltd., Chandigarh *versus* State of Haryana and Others, the learned Authorised Representative of the workman stated that this reference is bad in law and as such he does not want to prosecute the same and so the same be dismissed. It is ordered accordingly. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Dated the 1st August, 1985.

Endorsement No. 85-83/1412 dated the 2nd September, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-6Lab/7577.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Haryana Dairy Development Co-operative Federation Limited Gohana Road, Milk Plant Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 86 of 1983

between

SHRI ISHWAR SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
DAIRY DEVELOPMENT CO-OPERATIVE FEDERATION LIMITED, GOHANA ROAD,
MILK PLANT, ROHTAK.

Present :—

Shri S. N. Vats, A. R. for the workman.

Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Ishwar Singh and the management of M/s Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk plant, Rohtak, to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/30718-23 dated 29th June, 1983 :—

Whether the termination of services of Shri Ishwar Singh was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent since 1st January, 1977 but the respondent choose to terminate his services unlawfully on 6th July, 1981 in flagrant disregard of the Industrial Disputes Act, 1947.

3. Before any reply could be filed by the respondent, the respondent placed on record a copy of the order of the Hon'ble High Court of Punjab and Haryana dated 4th April, 1984,—vide

which, is proceedings in this case in this Court were stayed. The Writ Petition in which, proceedings were stayed by the Hon'ble High Court was decided on 18th September, 1984. In view of the decision in Civil Writs Petition No. 1556 of 1984 titled Haryana, Dairy Development Co-operative Federation Ltd., Chandigarh vs. State of Haryana and others, the learned Authorised Representative of the workman stated that this reference is bad in law and as such he does not want to prosecute the same and so the same be dismissed. It is ordered accordingly. The reference is answered and returned accordingly. There is no order as to cost.

Dated, the 1st August, 1985.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Endorsement No. 86-83/1413, dated 2nd September, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

No. 9/5/84-Lab/7578.—In pursuance of the provisions of section 17 of Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak:—

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 87 of 1983

between

SHRI BALJIT SINGH, WORKMAN AND THE MANAGEMENT OF HARYANA DAIRY
DEVELOPMENT CO-OPERATIVE FEDERATION LTD., GOHANA
ROAD, MILK PLANT, ROHTAK

Present:—

Shri S. N. Vats, A. R. for the workman.
Shri K. L. Nagpal, A. R. for the management.

AWARD

1. In exercise of powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Baljit Singh and the management of Haryana Dairy Development Co-operative Federation Ltd., Gohana Road, Milk Plant, Rohtak to this Court, for adjudication,—vide Labour Department Gazette Notification No. ID/30725—30, dated 29th June, 1983:—

Whether the termination of services of Shri Baljit Singh was justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The claim of the workman is that he was employed with the respondent since 1st September, 1977 but the respondent choose to terminate his services unlawfully on 6th July, 1981 in flagrant disregard of the Industrial Disputes Act, 1947.

3. Before any reply could be field by the respondent, the respondent placed on record a copy of the order of the Hon'ble High Court of Punjab and Haryana, dated 4th April, 1984,—vide which proceedings in this case in this court were stayed. The Writ Petition, in which, proceedings were stayed by the Hon'ble High Court was decided on 18th September, 1984. In view of this decision in Civil Writ Petition No. 1556 of 1984 titled Haryana Dairy Development Co-operative Federation Ltd., Chandigarh vs. State of Haryana and others, the learned Authorised Representative of the workman stated that this reference is bad in law and as such he does not want to prosecute the same and so the same be dismissed. It is ordered accordingly. The reference is answered and returned accordingly. There is no order as to cost.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.

Dated, the 1st August, 1985.

Endst. No. 87-83/1414, dated 2nd September, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,
Presiding Officer,
Labour Court, Rohtak.